

### **REMARKS**

The Office Action of December 27, 2007 has been received and its contents carefully noted. By this amendment, claims 12, 17, and 18 have been amended to better define the invention over the applied references, and claim 16 has been canceled without prejudice or disclaimer. No claims have been added. Applicants note that the above amendments have been made solely in the interest of expediting prosecution and therefore expressly reserve the right to file one or more continuation applications to claim additional embodiments of the invention. Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification. Accordingly, claims 12, 15, 17-22, and 24-28 are currently pending in the application, of which claim 12 is an independent claim.

In view of the above amendments and the following remarks, Applicants submit that the claims are allowable and respectfully request reconsideration and timely withdrawal of the pending rejections for at least the reasons discussed below.

Applicants respectfully traverse the single ground for rejection provided in the outstanding Office Action. Specifically, Applicants traverse the rejection of claims 12, 15-22, and 24-28 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,679,250 issued to Walker et al. ("WALKER"). Applicants submit that WALKER does not disclose or render obvious each and every element of the invention set forth in any of the currently pending claims, for at least the following reasons.

#### ***Rejections under 35 U.S.C. § 102(e)***

Applicants respectfully traverse the rejection of claims 12, 15-22, and 24-28 under 35 U.S.C. § 102(e) as allegedly anticipated by WALKER for at least the following reasons. WALKER does not disclose or render obvious, *inter alia*, the following: a connection port proximate the bottom of the hollow body configured to connect to an external nebulization

chamber, the connection port comprising a nebulizer inlet and a nebulizer outlet; and air flow path having portions antiparallel to one another through an interior of the hollow body, as set forth, e.g., in independent claim 12.

A claim may be properly rejected under 35 U.S.C. § 102(e) if, and only if, a single prior art reference discloses each and every feature of the invention as recited in the claim. If the rejected claim recites even one feature that is not disclosed by the prior art reference, the 35 U.S.C. § 102(e) rejection is improper and must be withdrawn. In this case, the rejection of claim 12 must be withdrawn because WALKER fails to disclose at least one feature recited in the independent claim 12.

For example, WALKER fails to disclose a connection port proximate the bottom of a hollow body configured to connect to an external nebulization chamber, the connection port comprising a nebulizer inlet and a nebulizer outlet, as set forth, e.g., in independent claim 12. Rather, WALKER discloses a connection port (defined, in the Office Action, to be the distribution cap 28) that is internal to the vaporization unit of the nebulizer. The vaporization unit includes container 25 and cap 26 and is separated from chamber 10 by valve 20 (see, e.g., col. 5, lines 18-32). In addition, distribution cap 28 does not include both a nebulizer inlet and a nebulizer outlet. Gas enters the vaporization unit through the distribution cap 28 but exits through the one-way valve 20.

Further, WALKER fails to disclose an air flow path having portions antiparallel to one another through an interior of a hollow body, as set forth, e.g., in independent claim 12. WALKER is generally silent regarding the direction of air flow. There is nothing in the material cited in the Office Action (see Office Action, page 3, lines 14-16) to suggest that the airflow is ever parallel, much less antiparallel.

Since WALKER fails to disclose each and every element recited in independent claim 12, Applicants respectfully request reconsideration and withdrawal of the rejection of

independent claim 12 under 35 U.S.C. § 102(e) as allegedly anticipated by WALKER in the next official communication.


Furthermore, since claims 15, 17-22 and 24-28 depend from claim 12, these claims are, therefore, patentable for at least the reasons discussed above with respect to claim 12, as well as for reasons related to their own recitations. Claim 16 has been canceled, and its rejection is therefore rendered moot by this Amendment. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 15, 17-22 and 24-28 under 35 U.S.C. § 102(e) as allegedly anticipated by WALKER in the next official communication.

**CONCLUSION**

Applicants submit that a full and complete response has been made to the Office Action, mailed December 27, 2007, and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are patentably distinct from the cited documents and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued for this application.

Respectfully submitted,

  
Safet Metjahic  
Reg. No. 58,677

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McGuireWoods LLP  
1750 Tysons Boulevard  
Suite 1800  
McLean, VA 22102-4215  
Tel: 703.712.5080  
Fax: 703.712.5240

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